

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Anthony James Moore,)	
)	
Plaintiff,)	ORDER ADOPTING
)	REPORT AND RECOMMENDATION
vs.)	
)	
United States of America,)	Case No. 1:07-cv-030
)	
Defendant.)	

Magistrate Judge Charles S. Miller, Jr. conducted an initial review of Moore's amended complaint as mandated by 28 U.S.C. § 1915A after the transfer of the above-entitled action from the United States Court of Federal Claims. On May 9, 2007, Judge Miller submitted a Report and Recommendation. Judge Miller recommended that Moore's complaint against the United States be dismissed for failure to state a cognizable constitutional claim under 42 U.S.C. § 1983. See Docket No. 15. Moore was then given ten (10) days to file an objection to the Report and Recommendation. On May 15, 2007, Moore filed an objection to the Report and Recommendation. See Docket No. 16.

Moore contends that the "refusal of the national D.N.A. Index system not to provide the plaintiff with Copies of his D.N.A. records that is in there System does in fact deprive the plaintiff of due process...." See Docket No. 16. Moore further contends that the Report and Recommendation is "sheer absurdity, and only proves the plaintiffs (sic) contentions to be founded and utterly true and precise." Id. Moore has cited no authority to support the contention that his due process rights have been violated.

The Court has carefully reviewed the Report and Recommendation, relevant case law, Moore's objection, and the entire record and finds the Report and Recommendation to be persuasive. The Court **ADOPTS** the Report and Recommendation (Docket No. 15) in its entirety. The Court **ORDERS** that Moore's complaint against the United States be dismissed for failure to state a

cognizable constitutional claim under 42 U.S.C. 1983. The Clerk of Court is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated this 16th day of May, 2007.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court